

From: Taran Rampersad
To: Microsoft ATR
Date: 12/17/01 9:29pm
Subject: Public Comment Regarding Microsoft Inc.'s Case

To Whom It May Concern:

For the record, I am a Software Developer who has worked in the industry for almost 10 years. I have used many Microsoft products, and have enjoyed the increasing abilities of software systems developed by Microsoft. I also enjoy using other operating systems, but as a software developer, I have to follow market trends to keep myself fed - regardless of the market trends.

However, it is apparent that Microsoft has attempted to maintain a monopoly on the Internet Web Browser market to any casual software user. It is more apparent to a software developer who work within Microsoft operating systems. The technical aspects involved in the operating system itself, specifically, development with the Microsoft Foundation Classes and use of ".Net" technology marries the software developer (happily or unhappily so) to Internet Explorer, and the operating system.

Furthermore, specific training programs such as MCSE (Microsoft Certified Software Engineer) and MCSA (Microsoft Certified Solution Developer) are geared towards maintaining the Internet Browser market by way of gearing Microsoft Certified individuals (who pay for courses and tests!) to use only Microsoft Products. Operating Systems. Software. Software Development. In an internet enabled world, these are the tools for maintaining a monopoly on the Internet Browser Market.

One could argue that nobody else has attempted these things on the level that Microsoft Inc. has. Yet that is my point. Nobody should. Freedom of Choice.

The newer versions of Windows have the internet technologies wrapped in them. This IS an obvious attempt to maintain a monopoly on the Internet Browser market. They may be able to prove that they did not do it 'on purpose', but they have done it. If I run over a man with my car, and I broke a traffic law while doing so, the offense is manslaughter. If I planned to do it (premeditated), it's Murder 1. The fact remains that a man would be dead.

The fact remains that Microsoft has leveled the playing field. Odds are that when this is read, it will be read on a Windows NT 4.0 machine. Why? Because the U.S. Government has certified Windows NT 4.0 as a secure operating system. Furthermore, this mail message will probably be read through another one of Microsoft's applications.

The U.S. Government, for lack of any other 'secure' operating system, has gone with the highest bidder. Neil Armstrong quipped about going to the moon on everything built by the lowest bidder, and here the United States states that we'll go with the ONLY software manufacturer that creates an operating system. This seems counterintuitive. Freedom of Choice. If you need more proof than the software that the reader of this document is using, and my ability to predict that, I'm at a loss.

These two points highlight the fact that the average American consumer is paying more than once for the same software - first as consumers, then as taxpayers. When banks charge twice for ATM withdrawals,

we cringe and say that it may be legal, but it is obviously immoral. Given, the hardware manufacturer is hiding the price of the operating system on new computer systems, the fact remains the same.

This is a sticky situation, but legal recourse in the interest of the people of the United States (and the rest of the world!) should contain the following items:

(1) Microsoft products - or products of any software manufacturer - must be sold as separate items by computer vendors. Users can then make a CONSCIOUS choice. Other software manufacturers then also have a chance to compete. Installation of the USER SELECTED software can remain free.

(2) Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

(3) The specifications of Microsoft's past, present and future document and network formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's AND other operating systems. This is in addition to opening the Windows Application Program Interface ('Windows API', the set of "hooks" that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

(4) The level Microsoft is certified by the Software Engineering Institute must be made public to the consumer, as well as insight into their development process for Operating Systems. SEI level 3 is required by the United States Government for software companies that supply software to it (or that was coming in 1999). This certification was created to protect the government from software manufacturers that had no software development process. This same certification should protect the average consumer, AND insight into the Software Development Process for creation of their operating systems would give software manufacturer's a chance to keep up with Microsoft.

(5) Device Driver information for new operating systems MUST be made public prior to the release of the operating system by a minimum of 6 months. This is VERY important when dealing with future web enabled embedded devices. This is also very important to the average consumer - they get a better product!

This judgement is not only of import to the United States, where it is a national issue. It is in fact an INTERNATIONAL issue, since the monopoly itself extends to all corners of the world. Judgement in this case MUST be fair to the consumer, because future cases along these lines will look toward this precedent. And, in future, it may not be as domestic an issue.

Furthermore, if Microsoft Inc. were a foreign company, this would be seen as a security issue. It should be seen this way despite the fact that Microsoft is a domestic software manufacturer for the SAME reasons.

Please realize that the implications in an internet based society reach further than the next few years. They affect society ad infinitum.

Thank you,

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